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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,558	03/04/2005	Leif Eriksen	PATRADE	9370

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James C Wray
Suite 300
1493 Chain Bridge Road
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EXAMINER

MCGRAW, TREVOR EDWIN

ART UNIT	PAPER NUMBER
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3752

MAIL DATE	DELIVERY MODE
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12/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/526,558	ERIKSEN ET AL.	
	Examiner	Art Unit	
	Trevor McGraw	3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 and 6 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to Claim 1, it is unclear to Examiner as to what Applicant means when reciting the limitation "lubricating/flushing cylinders" in line 1. Examiner suggests that Applicant eliminate ambiguity within Claim 1 by deleting the "lubricating/flushing cylinders" and using language that properly represents the invention as disclosed.

In regard to Claim 2, it is unclear to Examiner as to what Applicant means when reciting the limitation "lubricating/flushing cylinders" in line 1. Examiner suggests that Applicant eliminate ambiguity within Claim 2 by deleting the "lubricating/flushing cylinders" and using language that properly represents the invention as disclosed.

In regard to Claim 6, it is unclear to Examiner as to what Applicant means when reciting the limitation "lubricating/flushing cylinders" in line 1. Examiner suggests that Applicant eliminate ambiguity within Claim 6 by deleting the recitation "lubricating/flushing cylinders" and using language that properly represents the invention as disclosed.

With further regard to Claim 6, it is unclear to Examiner as to what Applicant means when reciting the limitation "outer valve stem part/mounting means" in line 7. Examiner suggest that Applicant eliminate ambiguity within Claim 6 by deleting "outer valve stem part/mounting means" and using language that properly represents the invention as disclosed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki et al. (JP61197757).

In regard to Claim 1, Suzuki et al. (JP61197757) teaches a valve that is configured to inject fluids in large engines that is arranged with a mounting means (33) for fastening in a cylinder wall (3) where a valve stem (21) extends through the cylinder wall (3) and at least one nozzle outlet (9) at the inner end of the valve stem (21) where

the at least one nozzle outlet (9) is disposed in the inner valve stem part (21) and is rotatable relative to an outer valve stem part (22) where the outer valve stem part (22) is fixed to the mounting means (33).

In regard to Claim 3, Suzuki et al. also teaches where the rotatable valve stem (21) includes two annular clamping faces disposed on each side of an annular flange (26) which is formed on the fixed valve stem part (22) that provides a means for clamping the clamping faces against the flange (26) for securing mutual position of the two valve stem parts (21,22).

In regard to Claim 4, Suzuki et al. further teaches a valve that has at least one nozzle outlet (9) that is provided for forming one or more injection jets transversely of the valve stem (Page 3: Upper Left Column, Lines 14-20; fuel injecting direction can be changed as needed at an optimal state depending on output conditions of the engine to reduce cost and heat load; See also Figure 2).

In regard to Claim 5, Suzuki et al. additionally teaches where the valve has at least one nozzle outlet (9) that is provided for forming one or more injection jets oriented symmetrically relatively to the valve stem (See Figure 6 where the spray is emitted in four jets that form a symmetrical spray pattern emitted from the valve stem).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (JP61197757) in view of Yamamoto et al. (US 5,740,777).

In regard to Claim 7, Suzuki et al. as taught and described above fails to teach where the valve includes a filter. However, Yamamoto et al. (US 5,740,777) teaches that it is known to have a filter included in a valve. It would have been obvious to one having ordinary skill in that art at the time the present invention was made to provide the valve of Suzuki et al. with the filter of Yamamoto et al., in order to provide for a manner that foreign combustion particle debris present in a vehicle fuel supply is filtered to maintain the fuel supply octane integrity so that complete combustion occurs within the combustion chamber without foreign matter being introduced into the combustion process which could hinder an engines full operating capacity.

Allowable Subject Matter

Claims 2 and 6 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Response to Arguments

Objection to Specification

Applicant's arguments, see page 2, filed 09/07/2007, with respect to line 21 of Page 3 of the specification have been fully considered and are persuasive. The objection of the specification has been withdrawn in view of Applicant's cancellation of the paragraph on line 21 of page 3.

Rejection under 35 USC § 112

Applicant's arguments, see page 5, filed 09/07/2007, with respect to Claim 3 have been fully considered and are persuasive. The rejection of Claim 3 has been withdrawn in view of Applicant's amendment to Claim 3 that makes clear that the fixed valve stem part is the outer valve stem part.

Rejection under 35 USC § 102

Applicant's arguments filed 09/07/2007 have been fully considered but they are not persuasive. Examiner directs Applicant to the translation provided of the Suzuki reference.

Rejection under 35 USC § 103

Applicant's arguments filed 09/07/2007 have been fully considered but they are not persuasive. Examiner directs Applicant to the translation provided of the Suzuki reference. Examiner also brings to Applicant's attention that "oil" when given the most broadest and reasonable interpretation encompasses "fuel", as "oil" has been known for centuries to be a "fuel" and is old and well known in the art. One having ordinary skill would reasonably expect a level of success with the combined references of Suzuki in view of Yammamoto, where the combination further teaches all the claim limitations. As a result, Examiner maintains the rejection of Claim 7.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

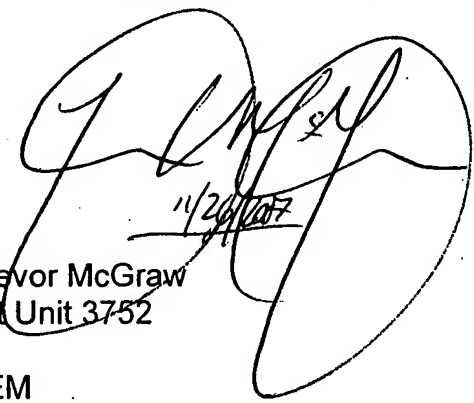
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trevor McGraw whose telephone number is (571) 272-7375. The examiner can normally be reached on Monday-Friday (2nd & 4th Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Trevor McGraw
Art Unit 3752

TEM



DINH Q. NGUYEN
PRIMARY EXAMINER